



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

**Note:** There are two Extraordinary issues to the Official Gazette Series I No. 38 dated 20-12-2001 as follows:

- (1) Extraordinary dated 21-12-2001 from pages 925 to 926 regarding Notification from Department of Panchayat Raj and Community Development (Directorate of Panchayat).
- (2) Extraordinary (No. 2) dated 26-12-2001 from pages 927 to 932 regarding order from Department of Agriculture and Notification from Department of Personnel.

### GOVERNMENT OF GOA Department of Housing

#### Notification

2/5-5/84-HSG (Part)/60

In exercise of the powers conferred by Section 129 of the Goa Housing Board Act, 1968 (Act 12 of 1968) and all other powers enabling it in this behalf, the Goa Housing Board, with the previous approval of the Government hereby makes the following Regulations, so as to amend the Goa Housing Board (Registration, Allotment and Sale of Plots) Regulations, 1982, namely:—

1. **Short title and commencement.**— These regulations may be called the Goa Housing Board (Registration, Allotment and sale of plots) (Amendment) Regulations, 2001.

(2) They shall come into force at once.

2. **Amendment of Regulation 2.**— (1) In Sub-Regulation (i) and (vi) of Regulation 2, the words "Daman and Diu" shall be omitted.

(2) Sub-regulation (xii) of Regulation 2 shall be substituted by the following:—

"Income" in relation to allottee or applicant means the total annual income regularly derived by him/her from occupation, trade, business, employment or in calling or source

constituting normal means of livelihood during the preceding financial/calendar year.

3. **Amendment to Regulation 3.**— In Sub-regulation (3) of Regulation 3, the figure and words "Rs. 1,00,000/-" shall be substituted by figure and words "Rs. 2,00,000/-"

4. **Amendment of Regulation 4.**— Sub-Regulation (1) of Regulation 4 shall be substituted by the following:—

(1) The reservation of tenements for person belonging to different categories shall be as under:—

(i) Scheduled castes/Scheduled tribes	— 2%
(ii) Other backward classes	— 5%
(iii) Freedom fighters	— 1%
(iv) Ex-Servicemen including personnel of Para-Military forces and widow of Defence Personnel killed in action, if any	— 2%
(v) Blind and physically handicapped	— 3%

5. **Amendment of Regulation 9.**— After Sub-regulation (6) of Regulation 9, the following words and figures shall be inserted:—

9 (7):— If an applicant withdraws from the scheme after depositing the initial deposit money, 5% of the money deposited by the applicant shall be forfeited to the Board and the balance amount shall be refunded without any interest.

6. **Amendment of Regulation 10.**— (1) The provision under Sub-Regulation (2) of Regulation 10 shall be substituted by the following:

Provided that on an application made in this behalf and for reasons to be recorded in writing, the Secretary of the Board may extend the period to construct a house to a maximum period of 10 years on payment of composition fee/penalty for delayed construction as under:

- |   |   |
|---|---|
| a) After 3 years and less than 5 years  | $\frac{1}{2}$ % of the cost of the plot |
| b) After 5 years and less than 7 years  | 1% of the cost of the plot              |
| c) After 7 years and less than 8 years  | 2% of the cost of the plot              |
| d) After 8 years and less than 10 years | 3% of the cost of the plot.             |

If the allottee fails to complete the construction of house/bungalow within 10 years, the plot shall stand reverted to the Board and the initial deposit paid by the allottee shall be forfeited and the balance be paid to the allottee without any interest.

(2) Sub-Regulation (3) of Regulation 10 shall be substituted by the following:—

The allottee shall prepare the construction plan of the house/flat/bungalow with minimum 30% ground coverage of the plot area, keeping in mind these aesthetic point of view, on the basis of ground coverage, control of height and roof, rather than on the basis of Floor Area Ratio as prescribed for such area by the Board and obtain a "No Objection Certificate" from Board before submission of plans to the Municipal Council or the Village Panchayat as the case may be:

Provided that the Board may consider execution of sale deed towards the transfer of the allotted plot after violation of the condition of obtaining "No Objection Certificate" from the Board before submission of plan to the Municipal Council or Village Panchayat, if the construction carried out is as per the approved building byelaws, on payment of penalty of 5% of the cost of the plot.

7. Amendment of Form I.— Sr. No. 4(B) of Form - I shall be substituted by the following:—

Total annual income of the applicant for the last financial/calendar year. (certificate to be enclosed).

By order and in the name of the Governor of Goa.

G. H. Kenaudekar, Joint Secretary (Housing).

Panaji, 6th December, 2001.

#### Notification

2/5-5/84-HSG (Part)/61

In exercise of the powers conferred by Section 129 of the Goa Housing Board Act, 1968 (Act 12 of 1968) and all other powers enabling it in this behalf, the Goa Housing Board with the previous approval of Government, hereby makes the following Regulations, so as to amend the Goa, Daman and Diu Housing Board (Registration, Allotment and Sale of Tenements) Regulations, 1982, namely:—

1. *Short title and commencement.*— These Regulations may be called the Goa, Daman and Diu Housing Board (Registration, Allotment and Sale of Tenements) (Amendment) Regulations, 2001.

(2) They shall come into force at once.

2. *Amendment of Regulation 1.*— (1) In Sub-Regulation (1) and (2) the words "Daman and Diu" shall be omitted.

3. *Amendment of Regulation 2.*— (1) In Sub-Regulation (i), (vi) the words and figures "Daman and Diu" shall be omitted.

(2) Sub-Regulation (vii) shall be substituted by the following:—

"Economically Weaker Section of the Society" means such class of people whose monthly income does not exceed the limit fixed by the Board for each scheme or such norms as may be followed by the HUDCO from time to time.

(3) Sub-Regulation (xiv) shall be substituted by the following:—

"Income" in relation to allottee or applicant means the total annual income regularly derived by him/her from occupation, trade, business, employment or in calling or source constituting normal means of livelihood during the preceding financial/calendar year.

(4) Sub-Regulation (xv) shall be substituted by the following:—

"Low Income Group" means such class of people whose monthly income does not exceed the limit fixed by the Board for the respective scheme or such norms as may be followed by the HUDCO from time to time.

(5) Sub-Regulation (xvi) shall be substituted by the following:—

"Middle Income Group" means such class of people whose monthly income does not exceed the limit fixed by the Board for the respective scheme or such norms as may be followed by the HUDCO from time to time.

*4. Amendment to Regulation 4.— Sub-Regulation (1) of Regulation (4) shall be substituted by the following:—*

(1) The reservation of tenements for persons belonging to different categories shall be as under:—

(i)	Scheduled castes/Scheduled tribes	—	2%
(ii)	Other backward classes	—	5%
(iii)	Freedom fighter	—	1%
(iv)	Ex-Servicemen including personnel of Para-Military forces and widows of Defence Personnel killed in action, if any	—	2%
(v)	Blind and physically handicapped persons	—	3%

(2) Sub-Regulation (2) of Regulation 4 shall be substituted by the following:—

The Housing Board may place 10% of the tenement at the disposal of the Government, on payment, for allotment to dispose of 10% of the tenements reserved thereto within a period of 6 months then the Goa Housing Board may sell the unsold tenements subject to the provision of Regulation 3.

5. *Amendment to Regulation 9.*— After Sub-regulation (5) of Regulation 9 the following words and figures shall be inserted:—

9 (6) If an applicant withdraws from the scheme after depositing the initial deposit money, 5% of the money deposited by the applicant shall be forfeited to the Board and the balance amount shall be refunded without any interest.

6. *Amendment to Form I.*— (1) Sr. No. 4(B) of the Form I shall be substituted by the following:—

Total annual income of the applicant for the last financial/calendar year (certificate to be enclosed).

(2) Sr. No. 8 of Form I shall be substituted by the following:—

Mode of payment of tenement is allotted (whether outright or hire purchase) shall be as fixed by the Board.

By order and in the name of the Governor  
of Goa.

*G. H. Kenaudekar*, Joint Secretary (Housing).

Panaji, 6th December, 2001.

Department of Industries

## Order

15/12/2001-IND

The Government of Goa is hereby pleased to formulate the following Scheme to provide Self Employment opportunities in the State of Goa, namely:—

1. *Short title and commencement.*— (1) This Scheme may be called "Deendayal Swayam Rojgar Yojana."

(2) It shall be deemed to have come into force from 1-4-2001.

**2. Objectives of Scheme.**— Self employment has been identified as one of the effective and acceptable means of reducing unemployment on a permanent/semi-permanent basis. Since the last decade, there has been an overall increase in the level of awareness amongst individuals on account of education and also to the growth in viewership of the television resulting in mutual respect for professionals, be it in the field of cobblers, hairdressers or general traders. This general awareness could be encashed by encouraging unemployed youth into trading and provision of service sector. This Scheme envisages provisions for self employment opportunity by providing all the necessary infrastructure to physically commence the self employment ventures.

**3. This Scheme shall be implemented through the Goa Handicrafts, Rural and Small Scale Industries Development Corporation Ltd. (hereinafter called "GHRSSIDC").**

**4. Nature of Scheme and Units/Projects.**— The following types of Units/Projects shall be established under this Scheme:—

(i) Cashew Processing Units to be supported through GHRSSIDC's sale outlets located at various towns/places in the States of Goa.

(ii) Vending Kiosks for the purpose of selling vegetables/fruits/flowers, newspapers/magazines cold drinks/aerated waters, tender coconuts, coffee/tea vending machines, services such as xeroxing machine, STD booths, etc. Information Kiosks including cyber cafes, servicing centres for plumbing/electrical works, typing, computer operation, tour booking/tour operations and authorised vendors for various Government functions.

**5. Eligibility for availing benefits under the Scheme.**— This Scheme will be open for all residents of Goa with minimum 15 years of domicile and upto 40 years of age.

It is proposed to initially open the Scheme to individuals having minimum educational qualification of standard VIII in any medium of instruction.

**6. Location of Units/Projects.**— The location of the unit/project will be at KTC Bus stands, various Government Offices, Goa Tourism Development Corporation (GTDC) properties/public places of tourist importance, Collectorates/RTO Offices, etc., or any other suitable Government properties where such activities could be undertaken.

**7. Finance to the Units/Projects.**— Financial back up shall be provided by Government for the Unit/project including subsidy for erection of Kiosks through GHRSSIDC. Apart from the Capital assistance, 90% of the working capital requirement, total not exceeding Rs. 1 lakh, based on the actual need of the project, would be made available.

**8. Subsidy to the Unit/Project.**— The Government shall subsidize the cost of Kiosk to the maximum extent of Rs. 15,000/- or Rs. 20,000/- or Rs. 25,000/- depending upon the size/cost of the kiosk.

**9. Repayment Schedule of the finance provided under this Scheme.**— (i) **Capital Component.**— The cost of kiosk (after the subsidy portion is taken out), the repayment starts after 12 months from the date of release of financial assistance, at the rate of 10% simple interest in 60 monthly instalments, starting from the 13th month.

(ii) **Working Capital.**— No interest will be leviable on the working capital for the first 6 months from the date of release. After the initial period of 6 months, interest @ 10% to be paid monthly. The repayment of the principal amount of working capital shall start from the 13th month from the month of release and shall be payable in 60 monthly instalments.

**10. Guarantee.**— The Unit/Project holder shall mortgage the kiosk/machines/equipments etc. in favour of GHRSSIDC. Further, the beneficiary of the Scheme shall provide a guarantee, either of himself or from a person who owns a residential premises or 1000 sq. metres of land in the State of repayment of financial assistance as may be considered adequate and approved by the Appraisal Committee.

**11. Recovery of financial assistance.**— In case of default in repayment, the balance sum shall be recovered by GHRSSIDC through normal process of law. The penal interest @ 2% is chargeable from the date of default at the discretion of the Managing Director of GHRSSIDC, provided, the default is not willful. However, in case the amount is due, due to death of the beneficiary, the full loan account shall be frozen from such date and balance principal amount may be recovered through legal process and all interest due from such deceased beneficiary shall be written off.

**12. Appraisal Committee.**— There shall be an Appraisal Committee consisting of Chairman/M.D. of GHRSSIDC, one Director of GHRSSIDC to be nominated by the Board of GHRSSIDC and a representative of Government of Goa to be nominated by the Minister for Industries. The Committee shall scrutinize the Units/projects for approval.

**13. Criteria for Selection of Units/Projects.**— To ensure transparency and fairness, the selection process shall consist of 100 marks distributed as follows:—

(i) **Proximity to the place of work.**— 40... marks. An important aspect in self-employment Schemes is the flexibility of work timings. Keeping this point in view, for Talukewise allotment of Units/projects, the physical distance of the applicant's residence from the place of work is an important point for evaluation.

Gradewise evaluation shall be directly proportional to the distance but inversely which means that residents within a distance of 5 kms. will be allocated full marks whereas distance beyond 5 kms. but limited to 10 kms. will fetch 80% marks. Distance beyond 10 kms. limited to 20 kms. shall fetch— 40% marks and beyond 20 kms. zero marks, this will however not debar the applicant from his eligibility. This will ensure that where unemployment is on the lower side, that particular Taluka shall absorb the unemployed from the neighbouring Taluka.

(ii) **Family Income.**— For this purpose, the family shall be considered as a unit as given in the concerned applicant's ration card. If

applicant is unmarried, the ration card of an individual will be clubbed alongwith that of his parents to represent the true state of affairs and income.

Annual income slabs shall be evaluated as follows.

Income	Category
(a) Combined annual income upto 25000/-	I
(b) Combined annual income beyond 25001/- but upto 50000/-	II
(c) Combined annual income beyond 50001/- but upto 100000/-	III
(d) Combined annual income beyond 100001/-	IV

This evaluation criteria shall carry 20.... marks and allocations shall be as under:—

Category I ....	100% of marks
Category II ....	80% of marks
Category III ....	60% of marks
Category IV ....	20% of marks

(iii) **Qualifications.**— Though the scheme is meant for less educated unemployed youth, it shall not debar highly educated unemployed. The minimum eligibility is an applicant having educational qualifications of standard VIII or equivalent. This will carry 10 marks and distribution of marks shall be as follows:—

- (A) Standard VIII but not passed standard X .... .... 100% of marks
- (B) Passed standard X .... .... 80% of marks
- (C) Passed standard XII/ITI/ Diploma/Certificate.... 60% of marks
- (D) Beyond standard XII but not a graduate..... 40% of marks
- (E) Graduate .... .... 20% of marks

(iv) **Interview.**— Personal interview of the applicant shall be conducted to bring out the urge of the applicant for,—

- (a) getting out of the unemployed category; and
- (b) the capacity to encash on the opportunity to become an entrepreneur.

The weightage allocated to interview shall be ... 30 .... marks.

The interview shall be conducted by the Appraisal Committee.

**14. Selection List.**— As per the guidelines, a list of applicants shall be prepared as per availability of spots Talukawise, 50% more than planned spots. Within the overall list of applicants, categorisation shall be done according to the proposed trade. In the entire process, more stress shall be laid towards the applicant's integrity and his ability to cope with reality. Averments in the affidavit sworn by the applicant will be taken as valid and true. Any false information/affidavit shall automatically debar the applicant from the selection process, even if completed.

**15. Identity Cards/Annual Inspection.**— All beneficiaries shall be issued a photo identity card by the GHRSSIDC, which is non transferable. The GHRSSIDC shall carry out annual inspection of the units/projects and certify that the person whom the project is sanctioned is carrying out the business as authorised.

**16. The subsidy component under the Scheme shall be reimbursed by the Government to the GHRSSIDC as per the actuals.**

**17. The Government reserves its right to modify any clause of this Scheme or issue directions and the GHRSSIDC shall abide by the directions of the Government.**

**18. This issues with the concurrence of the Finance Department vide U. O. No. FS/350/F dated 19-7-2001.**

By order and in the name of the Governor of Goa.

Charles D'Souza, Jt. Secretary (Industries).

Panaji, 7th December, 2001.

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Department of Law & Judiciary  
Legal Affairs Division

#### Notification

10/4/99-LA (Vol. III/PF)/13

The Appropriation (Railways) No. 2 Act, 2001 (Central Act 13 of 2001) which has been passed

by the Parliament and assented to by the President of India on 11-5-2001 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 11-5-2001, is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 26th November, 2001.

#### THE APPROPRIATION (RAILWAYS) NO. 2

ACT, 2001

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2001-02 for the purposes of Railways.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:

**1. Short title.**— This Act may be called the Appropriation (Railways) No. 2 Act, 2001.

**2. Issue of Rs. 66089,22,49,000 out of the Consolidated Fund of India for the financial year 2001-02.**— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account Act, 2001] to the sum of sixty-six thousand and eight-nine crores, twenty-two lakhs and forty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2001-02, in respect of the services relating to Railways specified in column 2 of the Schedule.

5 of 2001.

**3. Appropriation.**— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
1	Railway Board	64,28,15,000	...	64,28,15,000
2	Miscellaneous Expenditure (General)	189,12,85,000	...	189,12,85,000
3	General Superintendence and Services on Railways	1518,79,50,000	50,000	1518,80,00,000
4	Repairs and Maintenance of Permanent Way and Works	2983,25,32,000	3,00,000	2983,28,32,000
5	Repairs and Maintenance of Motive Power	1716,17,91,000	65,000	1716,18,56,000
6	Repairs and Maintenance of Carriages and Wagons	3310,97,54,000	...	3310,97,54,000
7	Repairs and Maintenance of Plant and Equipment	1660,58,34,000	...	1660,58,34,000
8	Operating Expenses—Rolling Stock and Equipment	2758,56,37,000	1,00,000	2758,57,37,000
9	Operating Expenses—Traffic	6527,43,82,000	2,00,000	6527,45,82,000
10	Operating Expenses—Fuel	7415,08,05,000	2,00,000	7415,10,05,000
11	Staff Welfare and Amenities	1238,57,17,000	80,000	1238,57,97,000
12	Miscellaneous Working Expenses	1458,22,34,000	19,86,35,000	1478,08,69,000
13	Provident Fund, Pension and other Retirement Benefits	5821,62,25,000	90,92,000	5822,53,17,000
14	Appropriation to Funds	9335,19,67,000	...	9335,19,67,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortization of Over-Capitalization	1352,00,00,000	...	1352,00,00,000
16	Assets—Acquisition, Construction and Replacement—			
	Revenue	35,00,00,000	...	35,00,00,000
	<i>Other Expenditure</i>			
	Capital	14293,45,99,000	5,00,00,000	14298,45,99,000
	Railway Funds	4384,00,00,000	1,00,00,000	4385,00,00,000
	TOTAL	66062,35,27,000	26,87,22,000	66089,22,49,000

**Notification**

10/4/99-LA(Vol.III)PF

The Passports (Amendment) Ordinance, 2001 (Ordinance No. 8 of 2001) which has been promulgated by the President of India in the Fifty-second Year of Republic of India and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 23-10-2001 is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 11th December, 2001.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 23rd October, 2001/Kartika 1,  
1923 (Saka)

THE PASSPORTS (AMENDMENT)  
ORDINANCE, 2001

No. 8 of 2001

Promulgated by the President in the Fifty-second  
Year of the Republic of India.

An Ordinance further to amend the  
Passports Act, 1967

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance.

1. *Short title and commencement.*— (1) This Ordinance may be called the Passports (Amendment) Ordinance, 2001.

(2) It shall come into force at once.

2. *Insertion of new sections 10A and 10B.*— After section 10 of the Passports Act, 1967, the following sections shall be inserted, namely:—

15 of 1967

*10A. Suspension of passports or travel documents in certain cases.*— (1) Without prejudice to the generality of the provisions contained in section 10, if the Central Government or any designated officer is satisfied that the passport or travel document is likely to be impounded or caused to be impounded or revoked under clause (c) of sub-section (3) of section 10 and it is necessary in the public interest so to do, it or he may,—

(a) by order, suspend, with immediate effect, any passport or travel document;

(b) pass such other appropriate order which may have the effect of rendering any passport or travel document invalid,

for a period not exceeding four weeks:

Provided that the Central Government or the designated officer may, if it or he considers appropriate, extend, by order and for reasons to be recorded in writing, the said period of four weeks till the proceedings relating to variation, impounding or revocation of passport or travel document under section 10 are concluded:

Provided further that no order under this sub-section shall be passed unless a notice in writing to show cause has been issued to the holder of the passport or travel document:

Provided also that the Central Government or the designated officer may, for reasons to be recorded in writing and in the public interest, waive the requirement of issue of notice referred to in the second proviso:

Provided also that every holder of the passport or travel document, in respect of whom an order under this sub-section had been passed without giving him a prior notice, shall subsequently be given an opportunity of being heard and thereupon the Central Government may, if necessary, by order in writing, modify or revoke the order passed under this sub-section.

(2) The designated officer shall immediately communicate the orders passed under sub-section (1), to the concerned authority at an airport or any other point of embarkation or immigration, and to the passport authority.

(3) Every authority referred to in sub-section (2) shall, immediately on receipt of the order passed under sub-section (1), give effect to such order.

*10B. Validation of intimations.*— Every intimation, given by the Central Government or the designated officer, before the commencement of the Passports (Amendment) Ordinance, 2001, to any immigration authority at an airport or any other point of embarkation or immigration, restricting or in any manner prohibiting the departure from India of any holder of the passport or travel document under sub-section (3) of section 10, shall be deemed to be an order under sub-section (1) of section 10A and such order shall continue to be in force for a period of three months from the date of commencement of the Passports (Amendment) Ordinance, 2001 or the date of giving such intimation, whichever is later.

*Explanation.*— For the purposes of sections 10A and 10B, the expression "designated officer" means such officer or authority designated, by order in writing, as such by the Central Government or the State Government.

K. R. NARAYANAN,  
President.

SUBHASH C. JAIN,  
Secy. to the Govt of India.

**Notification**

10/4/99-LA

The Institute of Technology (Amendment) Ordinance, 2001 (Ordinance No. 6 of 2001) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part-II, Section 1 dated 21-9-2001 is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Pauaji, 11th December, 2001.

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

(Legislative Department)

New Delhi, the 21st September, 2001/Bhadra

30, 1923 (Saka)

**THE INSTITUTE OF TECHNOLOGY  
(AMENDMENT) ORDINANCE, 2001**

No. 6 of 2001

An Ordinance further to amend the Institutes of Technology Act, 1961.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

1. **Short title and commencement.**— (1) This Ordinance may be called the Institutes of Technology (Amendment) Ordinance, 2001.

(2) It shall come into force at once.

2. **Amendment of section 2.**— In section 2 of the Institutes of Technology Act, 1961 (hereinafter referred to as the principal Act), for the words "Kanpur and the Indian Institute of Technology, Madras", the words "Kanpur, the Indian Institute of Technology, Madras and the Indian Institute of Technology, Roorkee" shall be substituted.

3. **Amendment of section 3.**— In section 3 of the principal Act,—

(a) in clause (c),—

(i) the word "and" appearing at the end of sub-clause (ii) shall be omitted;

(ii) in sub-clause (iii) after the words "the Indian Institute of Technology, Madras," the word "and" shall be inserted; and

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iv) in relation to the University of Roorkee, Roorkee, the Indian Institute of Technology, Roorkee";.

(b) after clause (k), the following clause shall be inserted, namely:—

"(l) "University of Roorkee" means the University of Roorkee established under the Roorkee University Act, U.P. Act IX of 1947."

4. **Amendment of section 4.**— In section 4 of the principal Act, after sub-section (1B), the following sub-section shall be inserted, namely:—

"(1C) The University of Roorkee, Roorkee shall, on such incorporation, be called the Indian Institute of Technology, Roorkee."

5. **Insertion of new section 5A.**— After section 5 of the principal Act, the following section shall be inserted, namely:—

"**5A. Effect of incorporation of Institute of Technology, Roorkee.**— On and from the commencement of the Institutes of Technology (Amendment) Ordinance, 2001,—

(a) any reference to the University of Roorkee in any law (other than this Ordinance) or in any contract or other instrument shall be deemed as a reference to the Indian Institute of Technology, Roorkee;

(b) all property, movable and immovable, of or belonging to the University of Roorkee, shall vest in the Indian Institute of Technology, Roorkee;

(c) all rights and liabilities of the University of Roorkee shall be transferred to, and be the rights and liabilities of, the Indian Institute of Technology, Roorkee; and

(d) every person employed by the University of Roorkee immediately before such commencement shall hold his office or service in the Indian Institute of Technology, Roorkee

by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Ordinance had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not, acceptable to such employee, his employment may be terminated by the Indian Institute of Technology, Roorkee in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Indian Institute of Technology, Roorkee of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees:

Provided further that any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of the University of Roorkee in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director and the Deputy Director, respectively, of the Indian Institute of Technology, Roorkee.

(e) On the commencement of the Institutes of Technology (Amendment) Ordinance, 2001, the Vice-Chancellor of the University of Roorkee, appointed under the provisions of the Roorkee University Act, 1947 shall be U.P. Act. IX deemed to have been appointed as of 1948. Director under the Ordinance, and shall hold office for a period of three months or till such time the Director is appointed, whichever is earlier.

*Explanation.*— The reference in this section to the commencement of this Ordinance shall be construed in relation to the Indian Institute of Technology, Roorkee as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Ordinance, 2001 come into force.

6. *Amendment of section 38.*— In section 38 of the principal Act,—

(i) after clause (d), the following clauses shall be inserted, namely:—

"(e) the Syndicate of the University of Roorkee functioning as such immediately before the commencement of this Ordinance shall continue to so function until a new Board is constituted for the Indian Institute of Technology, Roorkee under this Ordinance, but on the constitution of a new Board under this Ordinance, the members of the Syndicate holding office before such constitution shall cease to hold office;

(f) the Academic Council of the University of Roorkee functioning as such immediately before the commencement of this Ordinance shall continue to so function until a new Senate is constituted for the Indian Institute of Technology, Roorkee under this Ordinance, but on the constitution of a new Senate under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;

(g) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology, Roorkee are made under this Ordinance, the Statutes and Ordinances of the Indian Institute of Technology, Bombay as in force immediately before the commencement of the Institutes of Technology (Amendment) Ordinance, 2001 shall apply to the Indian Institute of Technology, Roorkee with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Ordinance;

(h) notwithstanding anything contained in the Institutes of Technology (Amendment) Ordinance, 2001, any student who joined classes of the University of Roorkee on or after the commencement of 1994-95 shall, for the purpose of clause (b) of sub-section (1) of section 6, be deemed to have pursued a course of study in the Indian Institute of Technology, Roorkee provided that such student has not already been awarded degree or diploma for the same course of study;

(i) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Ordinance, 2001, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this clause after the expiry of two years from the

commencement of the Institutes of Technology (Amendment) Ordinance, 2001:

Provided further that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.

(ii) *Explanation* shall be numbered as *Explanation 1* thereof and after *Explanation 1* as so numbered, the following *Explanation* shall be inserted, namely:—

*"Explanation 2.— The reference in clauses (e) and (f) of this section to the commencement of this Ordinance shall be construed in relation to the Indian Institute of Technology Roorkee as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Ordinance, 2001 come into force."*

7. *Repeal and savings.— (1)* The U.P. Act. IX Roorkee University Act, 1947 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed Act shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Ordinance.

K. R. NARAYANAN,  
President.

SUBHASH C. JAIN,  
Secy. to the Govt. of India.

#### Notification

10/4/99-LA(Vol.III)PF

The Companies (Amendment) Ordinance, 2001 (Ordinance No. 7 of 2001) which has been promulgated by the President of India, in the Fifty-second Year of Republic of India and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 23-10-2001 is hereby published for the general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 11th December, 2001.

#### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 23rd October, 2001/Kartika 1, 1923 (Saka)

#### THE COMPANIES (AMENDMENT) ORDINANCE, 2001

No. 7 of 2001

Promulgated by the President in the Fifty-second Year of the Republic of India.

An Ordinance further to amend the Companies Act, 1956.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.— (1)* This Ordinance may be called the Companies (Amendment) Ordinance, 2001.

(2) It shall come into force at once.

2. *Amendment of section 77A.— In section 77A of the Companies Act, 1956 (hereinafter referred to as the principal Act),—*

(a) in sub-section (2), in clause (b), the following shall be inserted, namely:—

'Provided that nothing contained in this clause shall apply in any case where—

(A) the buy-back is or less than ten per cent. of the total paid-up equity capital and free reserves of the company; and

(B) such buy-back has been authorised by the Board by means of a resolution passed at its meeting:

Provided further that no offer of buy-back shall be made within a period of three hundred and sixty-five days reckoned from the date of the preceding offer of buy-back, if any.

**Explanation.**— For the purposes of this clause, the expression "offer of buy-back" means the offer of such buy-back made in pursuance of the resolution of the Board referred to in the first proviso;—

(b) in sub-section (4), for the words "special resolution", the words "special resolution or a resolution passed by the Board" shall be substituted;

(c) in sub-section (6), after the words, brackets, letter and figure "special resolution under clause (b) of sub-section (2)", the words, brackets and letter "or the Board has passed a resolution under the first proviso to clause (b) of that sub-section" shall be inserted;

(d) in sub-section (8), for the words "within a period of twenty-four months", the words "within a period of six months" shall be substituted.

**3. Amendment of section 292.**— In section 292 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:-

"(aa) the power to authorise the buy-back referred to in the first proviso to clause (b) of sub-section (2) of section 77A;".

K. R. NARAYANAN,  
President.

SUBHASH C. JAIN,  
Secy. to the Govt. of India.

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Department of Personnel

#### Notification

18/1/2000-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa hereby makes the following rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa State Civil Services (Recognition of Service Associations) Rules, 2001.

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions.**— In these rules, unless the context otherwise requires,—

(a) "Government" means the Government of Goa;

(b) "Government servant" means any person in the service of the Government to whom the Central Civil Services (Conduct) Rules, 1964, apply.

**3. Application.**— These rules shall apply to service associations of all Government servants in the State of Goa.

**4. Continuation of service associations already recognized.**— A service association or a federation which has been recognized by the Government before the commencement of these rules and in respect of which the recognition is subsisting at such commencement, shall continue to be so recognized for a period of one year from such commencement or till the date on which the recognition is withdrawn, whichever is earlier.

Provided that such recognised service association submits its application for fresh recognition under these rules within the aforesaid period of one year failing which the substituting recognition shall be treated as cancelled.

**5. Conditions for recognition of service associations.**— A service association which fulfils the following conditions may be recognized by the Government, namely:—

(a) an application for recognition of service association has been made to the Government containing Memorandum of Association, constitution, bye-laws of the association, names of Office-bearers, total membership and any other information as may be required by the Government;

(b) the service association has been formed primarily with the object of promoting the common service interest of its members;

(c) membership of the service association has been restricted to a distinct category of Government servants having common interest, all such Government servants being eligible for membership of the service association;

(d) (i) the association represents minimum 35 per cent of total number of a category of employees, provided that, where there is only one association which commands more than 35 per cent membership, another association with second highest membership, although less

than 35 per cent may be recognized if it commands at least 15 per cent membership;

(ii) the membership of the Government servant shall be automatically discontinued on his ceasing to belong to such category;

(e) Government employees who are in service shall be members or office bearers of the service association;

(f) the service association shall not be formed to represent the interests, or on the basis, of any caste, tribe or religious denomination or of any group within or section of such caste, tribe or religious denomination;

(g) the Executive body of the service association has been appointed from amongst the members only; and

(h) the funds of the service association consist exclusively of subscriptions from members and grants, if any, made by the Government, and are applied only for the furtherance of the objects of the service association.

*6. Conditions subject to which recognition is continued.— Every service association recognized under these rules shall comply with the following conditions, namely:—*

(a) the service association shall not send any representation or deputation except in connection with a matter which is of common interest to members of the service association;

(b) the service association shall not espouse or support the cause of individual Government servants relating to service matters;

(c) the service association shall not maintain any political fund or lend itself to the propagation of the views of any political party or a member of such party;

(d) all representations by the service association shall be submitted through proper channel and shall be addressed to the Secretary to the Government/Head of the Organization or Head of the Department or Office;

(e) a list of members and office bearers, an up-to-date copy of the rules and an audited statement of accounts of the service association shall be furnished to the Government annually through proper channel after the annual general meeting so as to reach the Government before the 1st day of July each year;

(f) the service association shall abide by, and comply with all the provisions of its constitution/bye-laws;

(g) any amendment in the constitution/bye-laws of the service association, after its recognition under these Rules, shall be made only with the prior approval of the Government;

(h) the service association shall not start or publish any periodical, magazine or bulletin without the previous approval of the Government;

(i) the service association shall cease to publish any periodical, magazine or bulletin, if directed by the Government to do so, on the ground that the publication thereof is prejudicial to the interests of the Central Government, the Government or the Government of any State or any Government authority or to good relations between Government servants and the Government or any Government authority, or to good relations between the Government of India and the Government of a foreign State;

(j) the service association shall not address any communication to, or enter into correspondence with, the Government of India or a foreign authority except through the Government which shall have the right to withhold it;

(k) the service association shall not do any act or assist in the doing of any act which, if done by a Government servant, would contravene any of the provisions of the Central Civil Services (Conduct) Rules, 1964 as are applicable to the Government servants; and

(l) communications addressed by the service association or by any office-bearer on its behalf to the Government or a Government authority shall not contain any disrespectful or improper language.

7. *Verification of membership.*— (1) The verification of membership for the purpose of recognition of a service association shall be done by the check-off-system in pay-rolls at such intervals and in such manner as the Government may, by order, specify.

(2) The Government may, at any time order a special verification of membership if it is of the opinion, after an enquiry, that the service association does not have the membership required under sub-clause (i) of clause (d) of rule 5.

8. *Withdrawal of recognition.*— If, in the opinion of the Government, a service association recognized under these rules has failed to comply with any of the conditions set out in rule 5 or rule 6 or rule 7 hereto, the Government may, after giving an opportunity to the service association to present its case, withdraw the recognition accorded to such association.

9. *Relaxation.*— The Government may dispense with or relax the requirements of any of these rules to such extent and subject to such conditions as it may deem fit in regard to any service association.

10. *Interpretation.*— If any question arises as to the interpretation of any of the provisions of these rules or if there is any dispute relating to fulfilment of conditions for recognition, it shall be referred to the Government, whose decision thereon shall be final.

By order and in the name of the Governor of Goa.

D. M. Borkar, Under Secretary (Personnel).

Panaji, 6th November, 2001.

Department of Revenue  
Collectorate of South Goa

#### Corrigendum

46/140/2001/REV/9057

Read: Notification No. 46/140/2001/REV/8770 dated 13th November, 2001.

Column No. 3 of Schedule in the above Notification be read as "Monte Hill Ward No. IV" instead of "Monte Hill Ward No. XV".

*Jose Philip, Collector of South Goa District & Competent Authority under slum Areas (Improvement & Clearance) Act, 1950.*

Margao, 30th November, 2001.

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Department of Social Welfare  
Directorate of Social Welfare

#### Addendum

13/1/97-SWD(Vol. III) 4094

The Government of Goa hereby amends the Government Order No. 13-3-84/LAWD/OBC dated 12-6-1987 and Order No. 13-3-84/LAWD/OBC dated 9-7-1987, the entries appearing at Sr. Nos. 1 and 4 of the aforesaid orders shall be inserted as, follows:—

1. Gawadas (including all sects of Gawadas).
2. Kunbis (including all sects of Kunbis).

By order and in the name of the Governor of Goa.

A. K. Wasnik, Ex officio Lt. Secretary & Director of Social Welfare.

Panaji, 6th December, 2001.